

The Chair recognizes the Senator from California.

DENY CERTIFICATION TO MEXICO

Mrs. FEINSTEIN. Mr. President, I rise to read into the RECORD a letter that I have just sent to the President of the United States, urging decertification of Mexico:

DEAR MR. PRESIDENT: I am writing to urge you to deny certification that Mexico has taken sufficient actions to combat international narcotics trafficking when you report to Congress on the anti-narcotics efforts of major drug producing and drug-transit countries. I believe a reasonable examination of the facts leads to no other decision.

Last year at this time, Senator D'Amato and I compiled a list of actions we considered it necessary for the Mexican government to take to beef up their anti-narcotics efforts. This list is attached. Regrettably, I have concluded that there has been insufficient progress, or no progress, on nearly all of the items on this list. Some of these failures are due to inability; others are due to a lack of political will. But all have set back the urgent effort to end the plague of drugs on our streets.

I want to bring to your attention a number of the most significant examples of Mexico's inability and unwillingness to deal with the drug trafficking problem effectively:

Cartels: There has been little or no effective action taken against the major drug cartels. The two most powerful—the Juarez Cartel run by Amado Carrillo Fuentes, and the Tijuana Cartel, run by the Arellano Felix brothers—have hardly been touched by Mexican law enforcement. Those who have been arrested, such as Hector Palma, are given light sentences and allowed to continue to conduct business from jail. As DEA Administrator Constantine says, "The Mexicans are now the single most powerful trafficking groups"—worse than the Colombian cartels.

Money Laundering: Last year, the Mexican parliament passed criminal money laundering laws for the first time, but the new laws are incomplete and have not yet been properly implemented. These laws do not require banks to report large and suspicious currency transactions, or threaten the banks with sanctions if they fail to comply. Promises to enact such regulations—which prosecutors need to identify money-launderers—have so far gone unfulfilled. Mexican officials said that such regulations would be developed by January, but they were not produced. To my knowledge, not a single Mexican bank or exchange house has been forced to change its operations.

Law Enforcement: While there have been increases in the amounts of heroin and marijuana seized by Mexican authorities, cocaine seizures remain low. Although slightly higher than last year's figures, the 23.6 metric tons seized in 1996 is barely half of what was seized in 1993. A modest increase in drug-related arrests brought the total to 11,245 in 1996—less than half of the 1992 figure.

Cooperation with U.S. Law Enforcement: Our own drug enforcement agents report that the situation on the border has never been worse. Last month, the Mexican government forbade U.S. agents to carry weapons on the Mexican side of the border, putting their lives in grave danger. Recent news reports indicate that death threats against U.S. narcotics agents on the border have quadrupled in the past three months. Some U.S. agents believe that all their cooperative efforts are undone almost instantly by the corrupt Mexican agents with whom they work.

Extraditions: Despite the fact that the United States has 52 outstanding extradition request on drug-related charges, not a single Mexican national has ever been extradited to the United States on such charges.

Corruption: Mexico's counternarcotics effort is plagued by corruption in the government and the national police. Among the evidence are the eight Mexican prosecutors and law enforcement officials who have been murdered in Tijuana in recent months. There has been considerable hope that the Mexican armed forces would be able to take a more active role in the counternarcotics effort without the taint of corruption. But the revelation that Gen. Jesus Gutierrez Rebollo, Mexico's top counternarcotics official and a 42-year veteran of the armed forces, had accepted bribes from the Carillo Fuentes cartel, casts grave doubts upon that hope.

Recent news reports indicate that U.S. law enforcement officials suspect judges, prosecutors, Transportation Ministry officials, and Naval officers of corruption, and there is persuasive evidence that two Mexican Governors—Manlio Fabio Beltrones Rivera of Sonora and Jorge Carillo Olea—are actively facilitating the work of drug traffickers in their respective states. The National Autonomous University of Mexico estimates that the drug lords spend \$500 million each year to bribe Mexican officials at all levels, and many consider that figure to be a gross under-estimation.

Mr. President, I believe the evidence is overwhelming and can lead to no decision other than the decertification of Mexico. It would send a strong signal to Mexico and the world that the United States will not tolerate lack of cooperation in the fight against narcotics, even from our close friends and allies. Accordingly, I urge you to establish a clear set of benchmarks by which you will judge if and when to recertify Mexico for counternarcotics cooperation. These benchmarks must include, but not be limited to: effective action to dismantle the major drug cartels and arrest their leaders; full and ongoing implementation of effective money-laundering legislation; compliance with all outstanding extradition requests by the United States; increased interdiction of narcotics and other controlled substances flowing across the border by land and sea routes; improved cooperation with U.S. law enforcement officials, including allowing U.S. agents to resume carrying weapons on the Mexican side of the border; and a comprehensive program to identify, weed out, and prosecute corrupt officials at all levels of the Mexican government, police, and military.

You may feel that U.S. interests in Mexico, economic and otherwise, are too extensive to risk the fall-out that would result from decertification. That is why Congress included a vital national interest waiver provision in Section 490 of the Foreign Assistance Act. But other vital interests are not a valid reason to certify when certification has not been earned. If you feel that our interests warrant it, I urge you to use this waiver. But an honest assessment of Mexico's cooperation on counternarcotics must fall on the side of decertification.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mrs. FEINSTEIN. If I might be allowed 30 seconds to conclude?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I can only say I believe a strong case can be made to the President to decertify Mexico, to provide a list of specific ac-

complishments that country should meet to waive decertification, and at any time during this next year that they meet that list of requirements, the President has the ability to certify them. I thank the President. I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

AMENDMENT NO. 8

Mr. ABRAHAM. Mr. President, I want to comment briefly on the amendment before us. We are expecting two more speakers for the remainder of our time. What we may do is yield some time to Senator CHAFEE to speak on another topic until those speakers arrive.

I just want to make a final point with respect to the amendment before us, that I do believe, as I have said twice now in speaking on this amendment, that there are still many unanswered questions, ones which at least I would need to hear answers to before I could feel comfortable voting in support of it. I have raised some of these questions already.

How would we address the \$706 billion shortfall that this would produce in 2002 to 2007? This \$706 billion is more than the total amount of dollars that were involved in the 1993 tax hike and in the budget proposals passed last year by this Congress in terms of reducing the growth of Medicare and discretionary spending. \$706 billion is more than all of that put together. No one has come forward and explained where those dollars would come from to effectuate this amendment.

The second issue I have asked questions about is why is it just this trust fund? There are others in the Federal Government. We are told the trust fund should be taken off budget, yet the amendment only addresses one of them. If, in fact, we are debating the definition of a balanced budget, we can't have some trust funds qualifying and some trust funds not qualifying.

In addition, we haven't had any explanation of what happens if Social Security is cut loose in the process through this amendment, and if it were cut loose and runs out of money, what would be the consequences and how would we address such shortfall if it was not part of a unified budget?

There are all of these questions and others before us, Mr. President. As I say, I have listened this morning and have not heard answers to them. There are others I will be raising later in the day. In the absence of those answers, it is clear to me that trying to effectuate this amendment would be a very high-risk proposal, as I said from the outset, with no evidence in the amendment of protecting the benefits of Social Security any more than they are protected if they are part of the unified budget.